

Message Text

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ACTION L-03

INFO OCT-01 ARA-16 ISO-00 SS-20 SP-03 NSC-07 EB-11 COME-00

FBIE-00 SCS-03 SCA-01 H-03 SY-04 CIAE-00 INR-11

NSAE-00 RSC-01 DRC-01 /085 W

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P 161510Z AUG 74

FM AMEMBASSY BUENOS AIRES

TO SECSTATE WASHDC PRIORITY 7722

C O N F I D E N T I A L BUENOS AIRES 6130

E.O. 11652: GDS

TAGS: BBAK, EIND, AR

SUBJECT: SWIFT-DELTEC

REF BA 5893

1. EMBOFF DISCUSSED ON AUG 13 STATUS DELTEC CRIMINAL CASE WITH CARLOS PODESTA, LOCAL ATTORNEY FOR ONE OF FORMER SWIFT OFFICIALS (HOLMBERG) INCLUDED IN ORIGINAL LIST. PODESTA CONFIRMED THAT JUDGE INVESTIGATING CHARGES HAD DEVELOPED SECOND LIST OF APPROXIMATELY 25 INDIVIDUALS, WHO HE DESCRIBED AS PRESIDENTS AND VICE PRESIDENTS OF ALL DELTEC RELATED COMPANIES, AND THAT THIRD LIST WAS EXPECTED IN THE FUTURE. CONTRARY TO INFORMATION REPORTED REFTTEL, HOWEVER, HE SAID THAT TO BEST OF HIS KNOWLEDGE, JUDGE HAD NOT YET INITIATED ANY ACTION WITH RESPECT TO INDIVIDUALS INCLUDED IN SECOND LIST. HE STATED CRIMINAL COURT JUDGE PERSONALLY TOLD HIM LAST WEEK THAT INDIVIDUALS ON SECOND LIST HAD NOT YET BEEN NOTIFIED TO APPEAR BEFORE COURT TO MAKE STATEMENT, BUT THAT NOTIFICATIONS LIKELY TO BE SENT THIS WEEK OR NEXT. SUCH NOTIFICATIONS MUST PRECEDE ISSUANCE OF ARREST ORDER. PODESTA CHECKED THIS IN PRESENCE OF EMBOFF WITH CALL TO ATTORNEY REPRESENTING SOME OF ARGENTINE RESIDENTS ON SECOND LIST, WHO TOLD HIM THAT AS OF AUG 13, THEIR CLIENTS HAD RECEIVED NO FORMAL NOTICE TO APPEAR BEFORE COURT.

2. PODESTA HAD SOMEWHAT GARBLES LIST OF SURNAMES INCLUDED IN
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SECOND LIST, BUT CAUTIONED THAT AS HE HAD NOT RECEIVED NAMES

FROM JUDGE, HE COULD NOT VOUCH FOR ACCURACY. (LIST APPEARED TO AGREE CLOSELY WITH THAT PROVIDED TO EMBASSY PREVIOUSLY BY DELTEC ATTORNEY AND REPORTED REFTEL.)

3. ASKED IF HE KNEW OF ANY SPECIAL FACTORS INFLUENCING JUDGE'S INVESTIGATION OR REASONS FOR APPEARANCE SECOND LIST AT THIS TIME, PODESTA SAID AFTER SOME HESITATION THAT CASE SEEMS TO BE EVOLVING NORMALLY. HE GAVE NO OPINION AS TO LIKELY OUTCOME, BUT INDICATED THAT INDIVIDUALS INCLUDED IN SECOND LIST WHO CURRENTLY IN ARGENTINA WOULD HAVE TO APPEAR BEFORE COURT ONCE NOTIFIED. HE ALSO EXPRESSED PERSONAL OPINION THAT COURT UNLIKELY TO ATTEMPT EXTRADITION OF US CITIZENS ON SECOND LIST SINCE THEY ONLY INDIRECTLY INVOLVED WITH SWIFT OPERATION.

4. AS PODESTA REPRESENTS SINGLE INDIVIDUAL IN CRIMINAL CASE AND TO OUR KNOWLEDGE DOES NOT REPRESENT DELTEC PER SE, HE NOT NECESSARILY AWARE OF DELTEC'S PREVIOUS DISCUSSIONS WITH BENITEZ GROUP. ON OTHER HAND, HE APPEARS MORE KNOWLEDGEABLE OF SPECIFICS OF CRIMINAL CASE THAN DO LOCAL DELTEC ATTORNEYS WHO SPECIALIZE IN COMMERCIAL ASPECTS.

5. MESSAGE PREPARED BEFORE RECEIPT OF STATE 179130. UNABLE TO UPDATE ABOVE AS PODESTA NOW OUT OF TOWN, BUT INITIAL INFORMATION FROM DELTEC ATTORNEYS INDICATES THAT ARRESTS HAVE NOT REPEAT NOT TAKEN PLACE. IN DISCUSSION WITH DELTEC OFFICIALS, DEPARTMENT REQUESTED PROTECT PODESTA AS SOURCE IN VIEW HIS POSITION AS ATTORNEY FOR ONE OF INDIVIDUALS INVOLVED.
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